

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: 1325 North Hwy CR 426 – Dwayne & Christy Caldwell, applicant;
Request for a front yard setback variance from 50 feet to 15.9 feet for an
existing single family home and new addition on the east side in A-1
(Agriculture) district.

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 12/7/09 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **Deny** the request for a front yard setback variance from 50 feet to 15.9 feet for an existing single family home and new addition on the east side in A-1 (Agriculture) district; or
2. **Approve** the request for a front yard setback variance from 50 feet to 15.9 feet for an existing single family home and new addition on the east side in A-1 (Agriculture) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Dwayne & Christy Caldwell</p> <p>Location: 1325 North Hwy CR 426</p> <p>Zoning: A-1 (Agriculture) district</p> <p>Subdivision: Black Hammock</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a front setback variance to cure a legal non-conforming encroachment into the front yard setback. The existing home constructed in 1930 encroaches 34.1 feet into the required 50-foot front yard setback. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.

Reviewed by: KFT
Co Atty: _____
Pln Mgr: _____

STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the existing home and a new addition on the east side as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- ☒ Staff Report
- ☒ Application
- ☐ Applicant statement of request
- ☒ Proposed Site Plan
- ☒ Location map
- ☒ Property Appraiser data sheet
- ☐ PUD Commitment Card, *if applicable*

Support information:

- ☐ Proposed elevation drawings, renderings, floor plans, etc
- ☐ Aerials, *if warranted*
- ☐ Plat, *if warranted*
- ☐ Code Enforcement information
- ☐ Building Permit information
- ☐ Correspondence
- ☐ Authorization letter
- ☒ Applicant Authorization Form
- ☐ Supporting documentation
- ☒ Letters of support
- ☐ HOA approval letter
- ☐ Pictures provided by applicant
- ☐ Other miscellaneous documents

- ☒ Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BU 2009-109
Meeting Date 12-7-09



VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Dwayne & Christy Caldwell

Address: 1325 N Hwy 426

City: Oviedo

Zip code: 32765

Project Address: Same

City: _____

Zip code: _____

Tax Parcel number: 25.20.31.5BA.0000.00K1

Contact number(s): 407.402.0818 or 407.402.2254

Email address: ccald1325@aol.com

Is the property available for inspection without an appointment?

☒ Yes

☐ No If gated please provide a gate code to staff.

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>Add a 28' x 54' addition on house</u>
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?				
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input checked="" type="checkbox"/> Front yard setback	Required setback:	50'	Proposed setback:	15.9'
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Fence height	Required height:		Proposed height:	
<input type="checkbox"/> Building height	Required height:		Proposed height:	
Use below for additional yard setback variance requests:				
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Total number of variances requested <u>1</u>				

EXISTING HOME w/ 35' SETBACK FOR ADDITION

Signed: Christy Caldwell

Date: 10.23.09

FOR OFFICE USE ONLYDate Submitted: 10-26-09Reviewed By: P. JohnsonZoning/FLU A-1 / IND

- ☐ Legally created parcel (1971 tax roll, 5-acre dev, lot split)
- ☐ Platted Lot (check easements as shown on lots, in notes or in dedication)
- ☐ Lot size _____ ☐ Meets minimum size and width
- ☐ Application and checklist complete

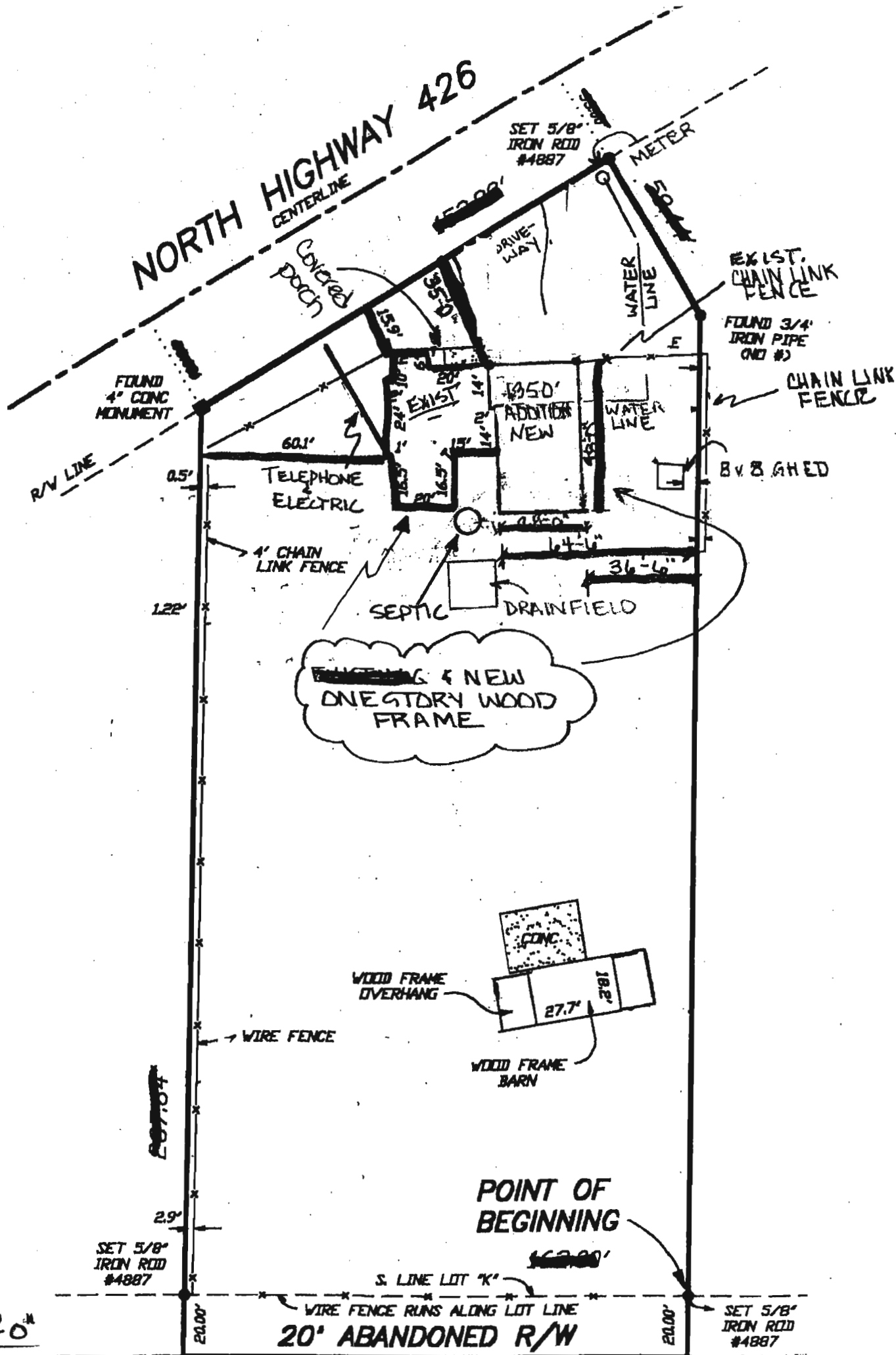
Notes: _____

VARIANCE SUBMITTAL CHECKLISTPlease return this checklist with your application!

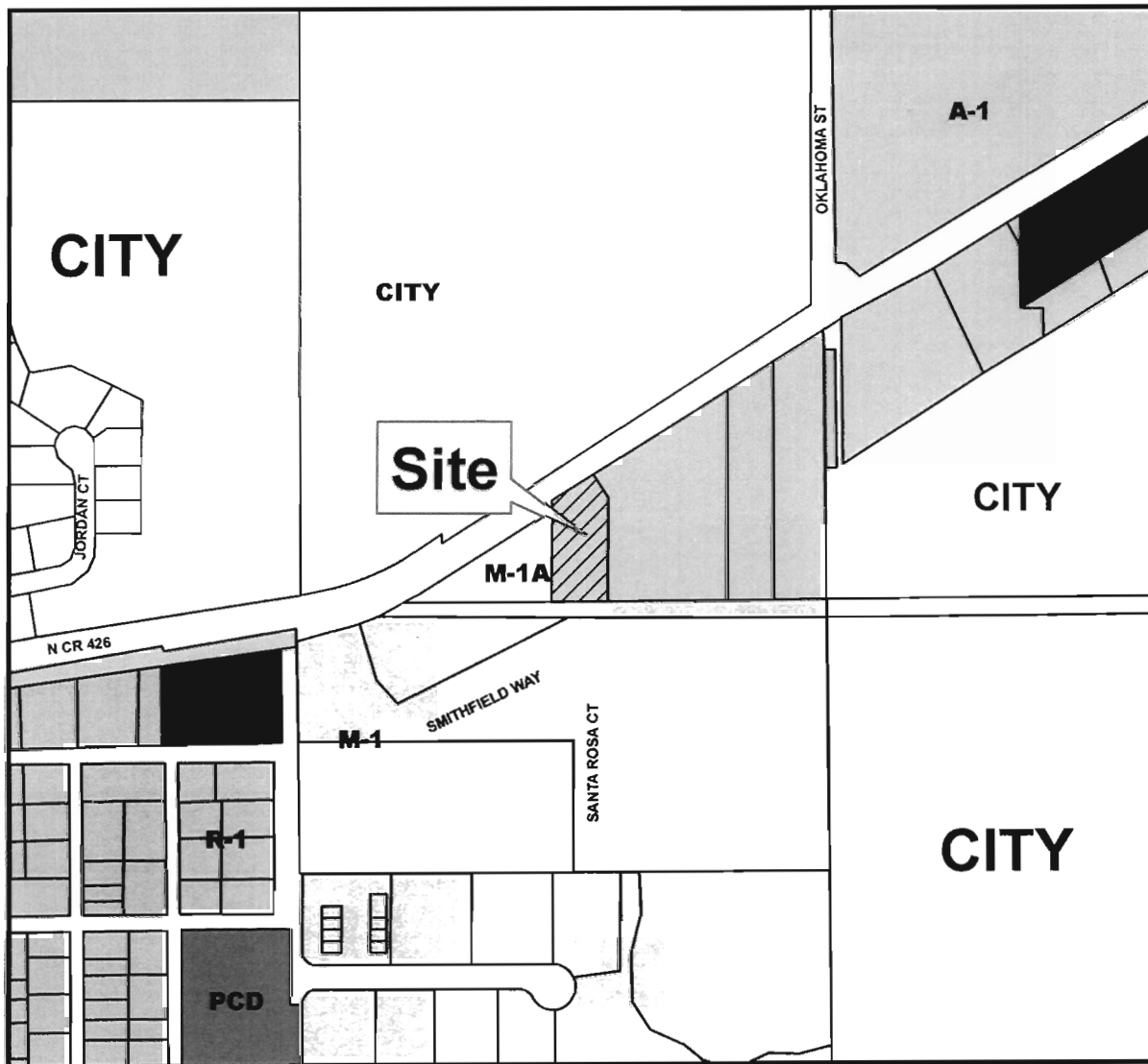
NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

x	1. Completed application.
x	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
x	3. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
x	4. Provide a legible 8 1/2 x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	o Please start with a clean survey (ex: white out old approval stamps)
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drain field and wells
	o Location of all easements
	o Existing or proposed house <u>or</u> addition (Label existing, label proposed, and include square footage and dimensions of each)
	o Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o Identification of available utilities (ex: water, sewer, well or septic)
x	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.



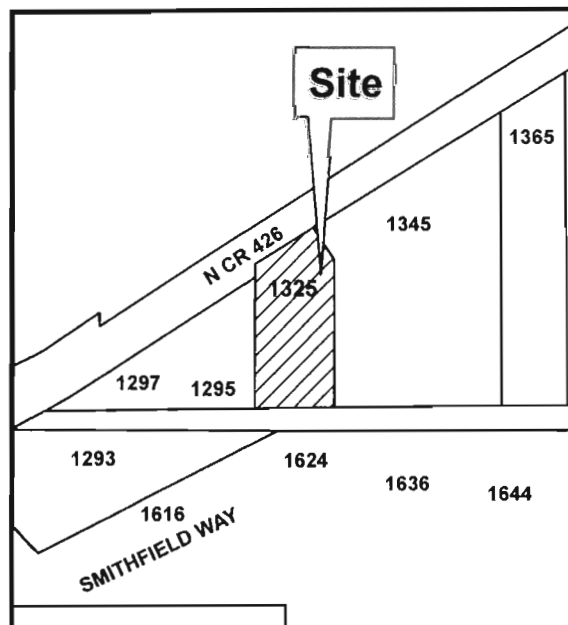
Dwayne & Christy Caldwell
 1325 North Hwy 426
 Oviedo, FL 32765



Seminole County Board of Adjustment
 December 7, 2009
 Case: BV2009-109 (Map 3160 Grid D5)
 Parcel No: 25-20-31-5BA-0000-00K1

Zoning

	BV2009-109		C-3
	A-1		M-1A
	R-1		M-1
	C-1		PCD



**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

- ☒ Individual ☐ Corporation ☐ Land Trust
- ☐ Limited Liability Company ☐ Partnership
- ☐ Other (describe): _____

1. List all **natural persons** who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

NAME	ADDRESS	PHONE NUMBER
Dwayne J Caldwell	1325 N Hwy 426 Oviedo	407.402.0818
Christy Caldwell	1325 N Hwy 426 Oviedo	407.402.0818

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

3. In the case of a **trust**, list the name and address of each trustee and the name and address of the beneficiaries of the trust and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

10.23.09
Date

Christy Caldwell
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 23rd day of October, 2009 by Christy Caldwell

Carmen Ramirez
Signature of Notary Public

CARMEN RAMIREZ
Print, Type or Stamp Name of Notary Public

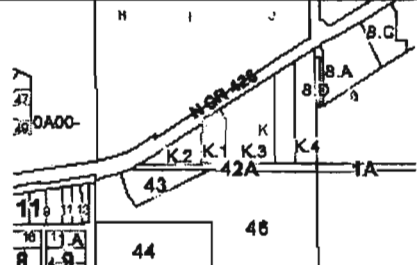



Personally Known X OR Produced Identification _____

Type of Identification Produced Personally Known

For Use by Planning & Development Staff

Date: _____ Application Number: _____

PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1455 407-655-7505																																																			
GENERAL Parcel Id: 25-20-31-5BA-0000-00K1 Owner: CALDWELL DWAYNE J & CHRISTY A Mailing Address: 1325 N COUNTY ROAD 426 City, State, Zip Code: OVIEDO FL 32765 Property Address: 1325 426 SR N OVIEDO 32765 Subdivision Name: BLACK HAMMOCK Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (1996) Dor: 01-SINGLE FAMILY		VALUE SUMMARY <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2009 Working</th> <th>2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td>1</td> <td>1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td>\$33,473</td> <td>\$39,968</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td>\$480</td> <td>\$480</td> </tr> <tr> <td>Land Value (Market)</td> <td>\$90,720</td> <td>\$113,400</td> </tr> <tr> <td>Land Value Ag</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Just/Market Value</td> <td>\$124,673</td> <td>\$153,848</td> </tr> <tr> <td>Portability Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td>\$91,989</td> <td>\$121,197</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td>\$32,684</td> <td>\$32,651</td> </tr> </tbody> </table> Tax Estimator Portability Calculator 2009 Notice of Proposed Property Tax	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$33,473	\$39,968	Depreciated EXFT Value	\$480	\$480	Land Value (Market)	\$90,720	\$113,400	Land Value Ag	\$0	\$0	Just/Market Value	\$124,673	\$153,848	Portability Adj	\$0	\$0	Save Our Homes Adj	\$91,989	\$121,197	Assessed Value (SOH)	\$32,684	\$32,651																
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NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base																																																			

October 25, 2009

To Whom it May Concern.

I reside and own the property at
1345 No. County Rd. 426, Ovids Fl.
My home is on the east side of
Christy and Jeff Coldwells home.
I understand they would like to
build an addition to their home.
This is to let you know that I have
no objections to their plans.

Lenora J. Hollis

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 7, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

PT OF LOT K DESC AS BEG 531.80 FT W OF SE COR RUN W 162 FT N 287.84 FT N 56
DEG 57 MIN 44 SEC
E 152.83 FT S 33 DEG 2 MIN 16 SEC E 58.44 FT S 335.99 FT TO BEG & N 20 FT OF R/W
ADJ ON S
BLACK HAMMOCK PB 2 PG 111

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: DWAYNE J & CHRISTY A CALDWELL
1325 N SR 426
OVIEDO FL 32765

Project Name: NORTH HWY 426 (1325)

Requested Variance:

Front yard setback variance from 50 feet to 15.9 feet for an existing single family home and a new addition on the east side in A-1 (Agriculture) district.

Approval was sought to construct an addition to an existing nonconforming home in the required front setback. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 7, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

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FINDINGS OF FACT

Property Owner: DWAYNE J & CHRISTY A CALDWELL
1325 N SR 426
OVIEDO FL 32765

Project Name: NORTH HWY 426 (1325)

Variance Approval:

Front yard setback variance from 50 feet to 15.9 feet for an existing single family home and a new addition on the east side in A-1 (Agriculture) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. The variance granted will apply only to the existing structure and a new addition on the east side as depicted on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

